

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 27, 1976
10:00 A.M.Council Chambers
301 West Second Street

The meeting was called to order with Mayor Friedman presiding.

Roll Call:

Present: Councilmembers Himmelblau, Hofmann, Linn, Trevino,
Mayor Friedman, Mayor Pro Tem Snell

Absent: Councilmember Lebermann

APPROVAL OF MINUTES

Councilmember Himmelblau moved that the Council approve the Minutes for May 20, 1976. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Hofmann, Linn, Trevino

Noes: None

Absent: Councilmember Lebermann

CROCKETT HIGH SCHOOL BAND DAY

Mayor Friedman read and then presented a proclamation to Terry Everett; Bobby Fuchs, President of the Crockett High School Band; Peggy Isaacs; and Paula Crider, Director, proclaiming July 3, 1976, as "Crockett High School Band Day" in Austin and called on all citizens to recognize these outstanding students and their faculty leaders and join the Council in extending support and encouragement as the band members seek financial assistance to finance the \$25,000 trip to the nation's capital. Paula Crider noted their appreciation for the proclamation and for the support of the Council and expressed the student's pride in representing Austin and Texas. Mayor Friedman urged all of the citizens to aid in this effort of getting the students to Washington.

RELEASE OF EASEMENT

Councilmember Linn moved that the Council adopt a resolution authorizing the release of the following easement:

Public Utilities Easements, ten (10.00) feet in width and being centered on the common lot line between lots 38 and 39, Block J, Highland Park West, a subdivision in the City of Austin, Travis County, Texas. Also known as 5206 Valley Oak Drive. (Requested by Mr. S. Gary Roberts, owner of Lot 38 and 39, Block J, Highland Park West)

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Linn, Trevino, Mayor Friedman
Noes: None
Absent: Councilmember Lebermann

RELEASE OF EASEMENT

Councilmember Himmelblau moved that the Council adopt a resolution authorizing the release of the following easement:

Two (2) walkway easements, being all of the east six (6.00) feet of Lot 23, Block 3, Brinwood, Section 2 and all of the east six (6.00) feet of Lot 7, Block 3, Brinwood, Section 1. (Requested by Juanita Teague, owner of said Lot 7, Block 3, Brinwood, Section 1, also known as 131 Coleman Street and Antonio S. Lucio, Jr., owner of Lot 8, Block 3 also known as 129 Coleman Street)

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell
Noes: None
Absent: Councilmember Lebermann

COST DIFFERENCE PAYMENT

Councilmember Himmelblau moved that the Council adopt a resolution authorizing payment to the following:

MR. HARRY PETERSON, the cost difference of 12"/8" water mains installed in Mayfield Public Freight Tracks, Resubdivision of a portion of Lot 1 - \$3,119.81.

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Hofmann, Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmember Himmelblau
Noes: None
Absent: Councilmember Lebermann

CONTRACTS AWARDED

Councilmember Linn moved that the Council adopt a resolution awarding the following contracts:

PARKER THIERMANN INDUSTRIES
2303 West Mill Road
Milwaukee, Wisconsin

- Transformer Dolly, Vehicle and Equipment Services Department.
Item 1 - \$16,048.00

Bid Award:

- Two 15 Passenger Vans and one Police Sedan, Vehicle and Equipment Services Department,

JAY SMITH CHRYSLER PLYMOUTH
841 West 6th Street
Austin, Texas

- Item 1 - \$13,791.00

The motion was seconded by Councilmember Trevino, who then withdrew his second.

Motions

Councilmember Trevino moved that the Council adopt a resolution awarding the following contract:

PARKER THIERMANN INDUSTRIES
2303 West Mill Road
Milwaukee, Wisconsin

- Transformer Dolly, Vehicle and Equipment Services Department.
Item 1 - \$16,048.00

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro
Tem Snell, Councilmembers Himmelblau, Hofmann
Noes: None
Absent: Councilmember Lebermann

In response to Councilmember Hofmann's question concerning the use of the dolly, Mr. R. L. Hancock, Director of Electric Utility, noted this equipment could be shared or rented with the Lower Colorado River Authority, but this would not be practical since the machine is designed for tight areas. Mr. Hancock presented slides of the dolly and reviewed its operation.

Councilmember Trevino moved that the Council adopt a resolution awarding the following contracts:

Bid Award:

- Two 15 Passenger Vans and one Police Sedan, Vehicle & Equipment Services Department.

JAY SMITH CHRYSLER PLYMOUTH
841 West 6th Street
Austin, Texas

- Item 1 - \$13,791.00

BILL MUNDAY PONTIAC COMPANY
1014 North Lamar
Austin, Texas

- Item 2 - \$4,533.59

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro
Tem Snell, Councilmembers Himmelblau, Hofmann
Noes: None
Absent: Councilmember Lebermann

Councilmember Linn pointed out that item (b) of the Bid Award has 69 employees and no women or minorities in management.

In response to Councilmember Hofmann's question as to the use of the cars, Mr. Les Rogers, Director of Vehicle and Equipment Services, commented that the cars are for the Parks and Recreation Department; however, when they are not in use they can be used for something else.

Councilmember Trevino moved that the Council adopt a resolution awarding the following contract:

VAUGHAN & ASSOCIATES, INC.
2852 Walnut Hill Lane
Dallas, Texas

- Park Shelter Building,
Parks and Recreation Department
Item 1 - \$6,939.00

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro
Tem Snell, Councilmembers Himmelblau, Hofmann
Noes: None
Absent: Councilmember Lebermann

Councilmember Trevino moved that the Council adopt a resolution awarding the following contract:

KAUFMAN UNIFORM COMPANY
926 Fredericksburg Road
San Antonio, Texas

- Jumpsuits, Emergency Medical Services.
Twelve Month Supply Agreement
Items 1 and 2 - \$7,168.50

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro
Tem Snell, Councilmembers Himmelblau, Hofmann
Noes: None
Absent: Councilmember Lebermann

Councilmember Linn commented that this company employs 13 people, five are women and six are minorities. The company has two in management who are white, Anglo and male, and the work is being done by the minority or the women. She felt that business should be conducted with companies that treat women and minorities fairly.

Mayor Pro Tem Snell stated he was in agreement with Councilmember Linn and that this should be called to everyone's attention. He noted that on occasions the Council goes for weeks and weeks without mentioning this type of minority breakdown. City Attorney Jan Kubicek stated that from the legal point of view the rejection of an award otherwise qualified for the per se reasons as being discussed now would not put the City in a very good legal position.

Councilmember Linn asked if the City could accept bids from only companies that had working affirmative action programs. City Attorney Jan Kubicek noted that there was no case law indicating that this could be done, but suggested that the best effort the Council could make would be to continue the importance of this area and educate the market place.

City Manager Davidson stated that if the Council so desired, he would transmit correspondence to Bill Munday Pontiac Company and Kaufman Uniform Company explaining the Council's observation. Mayor Pro Tem Snell and Councilmember Linn stated this would be a good idea. Mayor Friedman pointed out that the Kaufman Uniform Company had the father and son in management.

In response to Councilmember Linn's question, Mr. Solon Bennett, Director of Purchases and Stores Department, reviewed the departments that the City provides uniforms for and noted that the policy is currently being studied which should be presented to the City Manager soon. Mr. Bennett stated that he is concerned with an equitable policy for all City employees. At the present time, the City does not provide the uniforms for the nurses at Brackenridge Hospital, but Mr. Bennett felt that perhaps this should be investigated and he would include this in his report.

Councilmember Trevino moved that the Council adopt a resolution awarding the following contract:

HONEYWELL MEDICAL SYSTEMS
DIVISION
14350 Proton Road
Dallas, Texas

- Honeywell ACS 1000 Automated
Computerized Scanning System for
Brackenridge Hospital Laboratory -
\$27,800.00.

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro
Tem Snell, Councilmembers Himmelblau, Hofmann
Noes: None
Absent: Councilmember Lebermann

Councilmember Trevino moved that the Council adopt a resolution awarding the following contract:

CENTEX MATERIALS, INC.
Fallwell Road
Austin, Texas

- Recycling Waste Trap Rock Aggregate,
Street and Bridge Division
Item 1 - \$20,700.00

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro
Tem Snell, Councilmembers Himmelblau, Hofmann
Noes: None
Absent: Councilmember Lebermann

Councilmember Trevino moved that the Council adopt a resolution awarding the following contract:

SOUTHWEST-RATHGEBER COMPANY	- Demolition of Police Garage Site -
Edward R. Rathgeber, Jr., President	\$19,111.10
2304 Cypress Point West	
Austin, Texas	

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro
Tem Snell, Councilmembers Himmelblau, Hofmann
Noes: None
Absent: Councilmember Lebermann

Councilmember Trevino moved that the Council adopt a resolution awarding the following contract:

STIEFER PAINTING & CONTRACTING	- Renovations at Brackenridge School
COMPANY, INC.	of Nursing - \$129,161.00
903 Wagon Trail	
Austin, Texas	

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro
Tem Snell, Councilmembers Himmelblau, Hofmann
Noes: None
Absent: Councilmember Lebermann

PUBLIC HEARING ON INSTALLATION OF LIFT STATION AND WASTEWATER FORCE
MAIN IN PORTION OF ZILKER PARK

Mayor Friedman opened the public hearing scheduled for 10:30 a.m. to consider permitting the installation of a lift station and wastewater force main within a portion of Zilker Park to serve adjacent subdivisions.

MR. SID JAGGER presented slides to the Council which depicted the route of the lift station and the terrain. Mr. Jagger noted that this matter has been before the Council twice previously; the Parks Board has approved it; the Environmental Board approved it; the Planning Commission approved it and finally before the Council twice and approved.

MR. DAVID BLOCK expressed his concerns about the Barton Springs area and the installation of the lift station and wastewater force main in Zilker Park. He noted that several changes in the water condition has taken place due to the accommodation to development in this area; he felt that the Barton Springs

Watershed is one of the last areas that development should occur. Mr. Block stated that in his opinion this proposed development is definitely not good for the area. Several measures have been taken in the past to preserve this area and now it seems it will be destroyed by this new development. In conclusion, Mr. Block urged the Council to preserve this watershed and if development does occur it should be done in a very low density fashion. He also suggested finding alternatives for sewage disposal.

MR. JOE RIDDELL felt that the citizens do care about the Barton Creek Watershed and that it is an asset to our City. He asked that some type of restrictions be placed in this area for its protection. Mr. Riddell felt that if this request is approved that there be a requirement whereby those developments that would be sewered through this proposed lift station and have not been planned in detail be required to submit their plans through the special permit process. Also, that subdivisions be submitted as PUD's thereby giving the Council greater opportunity to view the proposed developments.

In response to Councilmember Himmelblau's question, Dr. Maureen McReynolds, Director of Environmental Resource Management, commented that every effort should be expended to protect the Barton Creek Watershed. This is the reason why a watershed study has been requested. The actual physical construction of the proposed lift station and pipe is a safe project and after review of the route, Dr. McReynolds felt that this proposed project would not adversely effect the park or the area. She pointed out that final approval of the creek permit will be required.

In response to Councilmember Linn's question, Dr. McReynolds noted that the concern is what will happen as the result of this project and felt this was a legitimate concern. A watershed study is scheduled for later this year, but at the present time there are not sufficient funds for the study. Dr. McReynolds pointed out that many of the developments to be served by this lift station are already approved finals.

Mayor Friedman asked if it was feasible to require the developments that have already been finaled to require them to resubmit as Planned Unit Developments. Mr. Dick Lillie, Director of Planning, noted that this would not be feasible since the Planning Commission has already acted upon them. All of the 2,000 units have already been approved as preliminaries or final proposals. Some are Planned Unit Developments and some are special permits. He noted that the Council would see all of the Planned Unit Developments and would also see appeals. Mr. Lillie was confident that there was adequate mechanism to accommodate this type of site plan and review.

In regards to requiring a site plan or a PUD be submitted for the 2,000 unit equivalent, Mr. Lillie stated that he would have to review the status of the single-family subdivisions that already have been approved. He felt that it would be rather late to do with those, but the remainder that have already been submitted would be no problem.

Motion - Died

Councilmember Linn moved that the Council close the public hearing and deny the request to permit the installation of a lift station and wastewater force main within a portion of Zilker Park to serve adjacent subdivisions. The motion died for lack of a second.

Motion - Died

Councilmember Himmelblau moved that the Council close the public hearing and grant the request to permit the installation of a lift station and wastewater force main within a portion of Zilker Park to serve adjacent subdivisions. The motion died for lack of a second.

Motion

Councilmember Hofmann made the following motion:

"It is unfortunate that development in this very sensitive watershed is being allowed before completion of the watershed management study. However, it is now important that this development be closely scrutinized. Even though current ordinances provide some protection, a special permit requirement would mean that the developer must produce a site plan for consideration, which will allow a more comprehensive environmental evaluation.

I move the public hearing be closed, that the Council find there is no feasible and prudent alternative other than as provided in the planned subject of this hearing, that the plan includes all reasonable planning to minimize harm to the parks, and I further move that each proposed development to be sewered through this lift station (except one for which detailed plans have a currently valid final approval, and except for individual single-family residential lots) should be required to obtain a special permit under Section 45-29 of the City Code."

The motion was seconded by Councilmember Trevino.

For clarification, Councilmember Himmelblau asked if those that have been finaled through the Planning Department go on through, and Councilmember Hofmann stated "yes." Councilmember Himmelblau then asked Mr. Dick Lillie if this meant that the subdivision finals are alright on this motion of Mrs. Hofmann, and he commented as he understood it, "yes." (This paragraph was added on June 3, 1976, as a correction to the Minutes.)

Roll Call on Motion

Roll Call on Councilmember Hofmann's motion, Councilmember Trevino's second, showed the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,
Trevino, Mayor Friedman

Noes: Councilmember Linn

Absent: Councilmember Lebermann

PUBLIC HEARING ON PROPOSED VACATING OF CERTAIN STREETS AND PASSAGE
OF ORDINANCES

City Manager Dan Davidson noted that the following proposed vacating of streets had been requested for a postponement and the Council granted this request for a postponement for 30 days.

WOODMONT AVENUE, a street fifty (50.00) feet in width and containing 0.23 of one acre of land and extends from the east line of Sharon Lane in an easterly direction 204 feet, more or less, to the west bluff line of Johnson Creek. (Requested by Mr. James W. Heironimus, William R. Geise and Oscar F. Wiegand, owners of all the property adjacent to the street)

Portion of HODGES STREET, (50.00) feet in width and extending from the south line of Crockett Street in a southerly direction 115 feet more or less. (Requested by Don Lilljedahl, ACSW Director, Mary Lee School, representing the Mary Lee Foundation, owners of property adjacent to Hodges Street)

Mayor Friedman then opened the public hearing scheduled for 10:30 a.m. to consider the proposed vacating of the following streets and passage of the ordinances:

1. The EXCESS RIGHT-OF-WAY along the east side of Red River Street between East 12th Street alley and East 15th Street; and vacate SABINE STREET from the north line of East 12th Street alley to the north line of East 13th Street. (Requested by Will K. Brown, Administrator of Brackenridge Hospital)

Mayor Friedman noted that the applicant was present.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THOSE CERTAIN PORTIONS OF RED RIVER STREET AND SABINE STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING AN EASEMENT IN THE CITY FOR PUBLIC UTILITY PURPOSES; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Linn moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, providing an effective date. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Linn, Trevino,
Mayor Friedman, Mayor Pro Tem Snell
Noes: None
Absent: Councilmember Lebermann

The Mayor announced that the ordinance had been finally passed.

2. Portion of the present EAST RIGHT-OF-WAY of SUNSHINE DRIVE, said portion being 258 feet more or less north of the north line of Houston Street. (Requested by George J. Shia, D.D.S., owners of the tract of land adjoining said portion to be vacated)

Applicant was present

Mayor Friedman introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF SUNSHINE DRIVE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, providing an effective date. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Hofmann, Linn, Trevino, Mayor Friedman,
Mayor Pro Tem Snell, Councilmember Himmelblau

Noes: None

Absent: Councilmember Lebermann

The Mayor announced that the ordinance had been finally passed.

3. STARSTREAK DRIVE, from the south line of William Cannon Drive in a southerly direction 129 feet more or less to its termination. (Requested by Oscar W. Holmes, Consulting Engineer, representing Great Northern, Inc., owners of the abutting property of said street)

Mr. Dick Lillie noted that there was another item on the agenda that was associated with this one which involved passage of a Zoning Ordinance, item BUCKINGHAM RIDGE DEVELOPERS, C14-73-221, on the agenda. He requested that both of these items be considered together. The applicant's representative was present.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF STARSTREAK DRIVE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Linn moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, providing an effective date. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro
Tem Snell, Councilmembers Himmelblau, Hofmann

Noes: None

Absent: Councilmember Lebermann

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCE

Mayor Friedman introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

TRACT 1: A 6.742 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2: A 1.855 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 3: A 2.904 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT;

ALL OF SAID PROPERTY BEING LOCATED AT THE SOUTHWEST CORNER OF SOUTH CONGRESS AVENUE AND WILLIAM CANNON DRIVE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Buckingham Ridge Developers, C14-73-221)

Councilmember Linn moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, providing an effective date. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann

Noes: None

Absent: Councilmember Lebermann

The Mayor announced that the ordinance had been finally passed.

The Council then continued with the public hearing on vacating of certain streets and passage of ordinances.

4. McADAMS STREET, a street forty (40.00) feet in width and extending from the proposed north line of west 29th Street in a southerly direction 130 feet more or less to its termination. (Requested by Jack W. Robinson, Director of the City of Austin Parks and Recreation Department for the Senior Citizens Center)

The applicant was present.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF McADAMS STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Linn moved that the Council close the public hearing, waive the requirement for three readings, declare an emergency and finally pass the ordinance, providing an effective date. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro
Tem Shell, Councilmembers Himmelblau, Hofmann
Noes: None
Absent: Councilmember Lebermann

The Mayor announced that the ordinance had been finally passed.

CONSIDERATION OF MOTION FOR REHEARING - SOUTHWESTERN BELL

Mr. Don Butler, Legal Counsel, gave an overview of the proceedings with Southwestern Bell thus far and stated that on March 4, 1976, the Council passed a rate ordinance which gave Southwestern Bell an increase and required the filing of various tariffs for later approval by the Council to cover other than their basic rates. The tariffs were filed and the Council approved the last of them on April 8, 1976, and on this date Southwestern Bell filed their new test year data. Also on this date, the Council passed an ordinance which set forth the procedure which was to be followed to dispose of the rate increase request that had been filed. There were two actions called for in that particular procedural ordinance which was a public hearing and that no later than today the Council act on any motion for a rehearing which may have been filed by the company. The company has filed its motion for a rehearing this Tuesday. Mr. Butler addressed himself to the requirement of Southwestern Bell proving its case. The Charter requires that the company shall have at the hearing the burden of establishing by clear and convincing evidence the value of its investments and the amount and character of its expenses and revenues. The public has the right to know what is being presented in the way of a rate increase request so it can be informed. Mr. Butler felt that Southwestern Bell had not presented any evidence proving their case.

At this point, the Council can (1) deny the request for a rehearing or (2) it can grant the motion for a rehearing. Mr. Butler suggested that the resolution contain the procedural history and the basis for what is taking place and why.

Mayor Friedman felt that it was very clear that the Council was being asked to make a decision on something that has not been made public for discussion. The Council, staff, administration and the consultants have bent over backwards to accommodate; the company seems bent on asking and asking and not accommodating. He felt strongly that perhaps the Council was going too far, but he was willing to listen to Southwestern Bell. He suggested that this opportunity to present evidence and testimony on the 1975 figures be set for June 24, 1976, and that no action be taken at this point for a rehearing until the company can present their evidence at a public hearing so the public can ask questions and the Council can consider the material. Then the Council can decide whether to grant a rehearing, change the rate adjustment or to deny everything. He felt the Council was not in a position to make a decision today.

Mr. Butler felt that since a hearing has been conducted, the Council probably needed to grant the motion for a rehearing. City Attorney Jan Kubicek agreed with Mr. Butler and commented that this was set out in the ordinance previously passed and felt the same purpose can be achieved with granting this request.

Mayor Friedman wanted it to be clear that by granting the rehearing today for June 24, 1976, with the presentation of the evidence in no way is an indication that those figures will be accepted.

Motion

Mayor Friedman moved that the Council grant the request for a rehearing of Southwestern Bell to consider the evidence and testimony on the 1975 figures on June 24, 1976, at 2:30 p.m. The motion was seconded by Councilmember Trevino.

Mayor Friedman pointed out that the Council is constantly requested to do the proper thing and did not think anyone could consider what to do until the evidence was before the Council. This is the reason for his motion.

MR. GRAY BRYANT, Division Manager for Southwestern Bell, felt that the company has presented the consultants with everything that was requested and that the burden of proof has been met. Mr. Bryant stated that Southwestern Bell does want the opportunity to come before the Council and present testimony necessary as outlined by the City Charter. He urged the Council to hear their case and rule on it. Mr. Bryant respectfully requested that this matter be heard sooner than June 24, 1976.

Mr. Butler stated that he informed Mr. Bryant that his case should be presented in order to receive any relief and Mr. Bryant did not choose to do this. Any implication that the Council is requesting this entire matter just is not true. The fact remains that there was a request for a rate increase which requires a public hearing and requires evidence being presented to the Council and the public.

Roll Call on Motion

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,
Councilmembers Himmelblau, Hofmann, Linn

Noes: None

Absent: Councilmember Lebermann

SELECTION OF SOILS INVESTIGATION AND ENGINEERING TESTING SERVICES

The Council had before it for consideration the selection of Soils Investigation and Engineering Testing Services in connection with the following Capital Improvements Projects:

1. Circuit 940 - Hamilton to Williamson Substation
2. Circuit 941 - Summit to Williamson Substation

Councilmember Linn moved that the Council adopt a resolution selecting the firm of SHILSTONE ENGINEERING TESTING LABORATORY, INC., for soils investigation and engineering testing services in connection with the aforementioned subjects. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Hofmann, Linn, Trevino
Noes: None
Absent: Councilmember Lebermann

SELECTION OF SOILS INVESTIGATION AND ENGINEERING TESTING SERVICES

The Council had before it for consideration the selection of Soils Investigation and Engineering Testing Services in connection with the following Capital Improvements Project:

Senior Citizens Activity Center

Motion - Died

Councilmember Linn moved that the Council select the firm of Snowden and Meyer, Inc., for soils investigation and engineering testing services in connection with the aforementioned project. The motion died for lack of a second.

Motion

Councilmember Hofmann moved that the Council adopt a resolution selecting the firm of AUSTIN TESTING ENGINEERS, INC., for soils investigation and engineering testing services in connection with the aforementioned project. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Linn, Trevino,
Mayor Friedman, Mayor Pro Tem Snell
Noes: None
Absent: Councilmember Lebermann

Councilmember Trevino commented that the firm of Snowden and Meyer had received numerous contracts and felt that the work should be distributed equally.

EXECUTION OF AN AGREEMENT WITH TEXAS DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION

Councilmember Himmelblau moved that the Council adopt a resolution authorizing execution of an agreement with Texas Department of Highways and Public Transportation for the maintenance and operation of traffic signals at the following locations:

Loop 1

East Frontage Road of Loop 1 with Northland
East Frontage Road of Loop 1 with 35th Street
East and West Frontage Road of Loop 1 with Windsor Road
East and West Frontage Road of Loop 1 with Enfield Road
West Frontage Road of Loop 1 with Lake Austin Boulevard

I.H. 35

East and West Frontage Roads of I. H. 35 with 32nd Street
East and West Frontage Roads of I. H. 35 with Martin Luther King, Jr.,
Boulevard

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Hofmann, Linn, Trevino, Mayor Friedman,
Mayor Pro Tem Snell, Councilmember Himmelblau
Noes: None
Absent: Councilmember Lebermann

PAYMENT TO STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION
FOR THE BURNET ROAD PROJECT

Councilmember Linn moved that the Council adopt a resolution authorizing payment to the State Department of Highways and Public Transportation in the amount of \$19,200 in account of trust fund #927 for the Burnet Road project from Anderson Lane to U.S. 183. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro
Tem Snell, Councilmembers Himmelblau, Hofmann
Noes: None
Absent: Councilmember Lebermann

APPLICATION FOR FEDERAL FUNDS FOR BIKEWAY DEMONSTRATION PROGRAM

Mr. Joe Ternus, Director of Urban Transportation, introduced Mr. Jim Vance, Urban Transportation Department, who organized the program. Mr. Vance noted that the Bikeway Demonstration Program was established as part of the Federal-Aid Highway Amendments of 1974 Act. This federal program provides financial assistance (grants) for demonstration projects for bikeway construction in designated urbanized and urban areas. In accordance with the program guidelines and regulations published in the Federal Register of February 26, 1976, the Urban Transportation Department has coordinated the development of the proposal.

The purpose of this application is to induce greater utilization of cycling for commuter and recreational purposes by providing bikeways and ancillary facilities in areas of Austin where barriers or impediments to greater usage exist. The application contains three basic elements:

1. The construction of two hard surfaced bikeways separated from vehicular traffic through the MoPac Boulevard interchange near Town Lake, which would parallel the Lake Austin Boulevard - 5th/6th Street roadway connections;
2. The development of a hard surfaced bikeway in the Shoal Creek Greenbelt between 15th and 38th Streets; and
3. The installation of bicycle parking facilities at various locations within Austin.

It is felt that these elements taken as a whole will accomplish the most in demonstrating the potential of cycling as a viable means of transportation in Austin. Most important to the Citizens though, are the benefits of continuing to provide facilities which offer greater personal safety, property

security and mobility to those persons who use bicycles. For these reasons, the top priority requests the total proposal to be funded. In the event this is not approved, the project elements have been given individual priority rankings and the proposal requests that they be considered singly and in pairs on their merit.

The Lake Austin Boulevard - 5th/6th Street Bikeways have been ranked top most in the individual project elements and will provide cyclists with safe, separate pathways through MoPac Boulevard interchange north of Town Lake. Mr. Vance presented slides which showed the proposed routes and an indepth review of the three elements involved in the application.

The cost of the total grant proposal is estimated to be almost \$370,000, of which 80% would be provided by the federal government and the remaining 20% would be local matching funds supplied through the Capital Improvements Program. Mr. Vance felt that the proposal would help remove many barriers to bicycle use for transportation purposes and advancing the continual development of a balanced transportation system in Austin. The proposal has been reviewed and recommended by the Urban Transportation Commission, the Parks and Recreation Advisory Board, the Austin Tomorrow On-Going Committee and the Citizens Traffic Safety Commission.

Mr. Vance then recognized the assistance from members of the Austin Cycling Committee and the Parks and Recreation Department who offered their assistance in the development of this proposal. Mr. Ternus acknowledged the assistance that was received from Mayor Friedman in the development of this program.

Councilmember Trevino moved that the Council adopt a resolution for authorization to make application for federal funds for Bikeway Demonstration Program. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro
Tem Snell, Councilmembers Himmelblau, Hofmann
Noes: None
Absent: Councilmember Lebermann

ADOPTION OF URBAN SYSTEM MAP AND BOUNDARIES

In response to Councilmember Linn's question, Mr. Joe Ternus stated that the Council approved an Interim Urban System Map and associated boundaries in August, 1975, and this map and system is the basis from which the Council then selects specific projects for state and federal assistance. This is a mechanism by which the City can select projects for receipt of state and federal funds. City Manager Dan Davidson stated that if the Council should approve this designation, the Council is not committing the City to any future improvements.

Mr. Ternus noted that included in the recommendation of the Urban Transportation Commission was the request that this map and other similar maps be a part of the annual review which the Council has requested from the commission.

Mayor Pro Tem Snell pointed out that in viewing the maps, there was a name of a street in East Austin that was not correct. Mr. Ternus commented that this would be changed.

Councilmember Linn expressed concern about the large trucks utilizing the downtown area as a through route. Councilmember Trevino agreed with Councilmember Linn and asked Mr. Ternus if he would check the matter and see if there was some way of prohibiting this. Mr. Ternus stated that at the Council's request his office and the Legal Department and Police Department are preparing some proposed ordinances which would regulate the trucks more strictly.

Councilmember Trevino moved that the Council adopt a resolution for the adoption of the Urban System Map and Boundaries. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Linn
Noes: None
Absent: Councilmember Lebermann

Mayor Pro Tem Snell stated he voted "yes" but would like to see the street names corrected on the maps.

GRANT AWARD FROM TEXAS CRIMINAL JUSTICE DIVISION

Councilmember Trevino moved that the Council adopt a resolution for authorization to accept a grant award from the Texas Criminal Justice Division for the project entitled, "Development Assistance for Rehabilitation, Inc." in the amount of \$48,998. (Program period April 1, 1976, through October 31, 1976) The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Linn, Trevino
Noes: None
Absent: Councilmember Lebermann

Mayor Pro Tem Snell requested that he be furnished with the make-up of the staff.

CONTRACT WITH DEVELOPMENT ASSISTANCE FOR REHABILITATION, INC.

Councilmember Trevino moved that the Council adopt a resolution for authorization to enter into a contract with Development Assistance for Rehabilitation, Inc. (DAR), acting through its Director, Sisto Ramirez, to provide services for the City of Austin in the amount of \$48,998 effective April 1, 1976 through October 31, 1976. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Linn, Trevino
Noes: None
Absent: Councilmember Lebermann

AUTHORIZATION TO SUBMIT A REPROGRAMMING AND CLOSEOUT PACKAGE

Councilmember Trevino moved that the Council adopt a resolution for authorization for the City of Austin to submit a reprogramming and closeout package to the U. S. Department of Housing and Urban Development (DHUD). The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,
Linn, Trevino, Mayor Friedman
Noes: None
Absent: Councilmember Lebermann

APPROVAL OF A CONTRACT WITH CENTRAL TEXAS MEDICAL FOUNDATION FOR
PHYSICIANS SERVICE AT BRACKENRIDGE HOSPITAL

The Council had before it for consideration authorizing a contract with Central Texas Medical Foundation for physicians service (Medical Education) at Brackenridge Hospital for the period of October 1, 1975 to September 30, 1976. (Total contract budget \$1,455,939; City's share \$1,076,406.)

Motion

Councilmember Himmelblau moved that the Council postpone consideration of this request until June 3, 1976. The motion was seconded by Councilmember Hofmann.

In response to Councilmember Linn's question as to where the doctors are from, Mr. John Kemp, a member of the CENTRAL TEXAS MEDICAL FOUNDATION, commented that the members of the foundation can come from all over Central Texas; however, at this time they are basically from the Travis County Medical Society. The majority of their practice is in Brackenridge. Mr. Kemp noted that there are seven directors in the CTMF plus the Director of Medical Education. Mr. Kemp introduced the new President of the Central Texas Medical Foundation, Dr. V. C. Smart.

Roll Call on Motion

Ayes: Councilmembers Himmelblau, Hofmann, Linn, Trevino,
Mayor Friedman, Mayor Pro Tem Snell
Noes: None
Absent: Councilmember Lebermann

APPROVAL OF A CONTRACT WITH CENTRAL TEXAS MEDICAL FOUNDATION FOR
EMERGENCY DOCTORS SERVICE AT BRACKENRIDGE HOSPITAL

The Council had before it for consideration authorizing a contract with Central Texas Medical Foundation for emergency doctors service at Brackenridge Hospital, from October 1, 1975, to September 30, 1976. (Current budget appropriations \$72,000)

Mr. John Kemp noted that the foundation had been working with the City staff for a number of months on this and he was asking that this contract go through 1977. He felt that an agreement had been met on the contract and that virtually the contract is the same as it has been. Mr. Kemp asked that the Council approve this contract.

Motion

Councilmember Hofmann moved that the Council postpone consideration of this contract until June 3, 1976. The motion was seconded by Councilmember Himmelblau.

Councilmember Himmelblau stated that she had no real problem with this part, but if some of the Councilmembers desired to review it, she would honor this request. Mr. Kemp indicated there is a real problem in the emergency room in maintaining stability, and good people would be difficult to get if this contract is not signed as soon as possible. Mayor Friedman stated that this has been going on since last October and one more week should not pose any big problem.

Roll Call on Motion

Ayes: Councilmembers Hofmann, Linn, Trevino, Mayor Friedman,
Mayor Pro Tem Snell, Councilmember Himmelblau
Noes: None
Absent: Councilmember Lebermann

APPLICATION TO TEXAS DEPARTMENT OF COMMUNITY AFFAIRS

Councilmember Linn moved that the Council adopt a resolution authorizing an application to the Texas Department of Community Affairs for an Inter-governmental Personnel Act (IPA) grant for the administration of a Minority Intern Program. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro
Tem Snell, Councilmembers Himmelblau, Hofmann
Noes: None
Absent: Councilmember Lebermann

PRIORITIES ON REMAINDER OF WATER AND WASTEWATER AVAILABLE FUNDS

Mayor Friedman noted that the Environmental Board will meet on June 1, 1976, and he felt that these priorities should be referred to them and ask for a report from them on June 3, 1976. Mr. Don Walden, member of the Environmental Board, stated that they would be working very hard over the weekend to have the report ready for Council presentation on June 3, 1976.

DISPOSITION OF PARCEL IN BLACKSHEAR PROJECT

Councilmember Linn moved that the Council adopt a resolution approving disposition of Parcel No. R-5-1 located in the Blackshear Project Area, Tex A-11-2. (To Holy Cross Hospital for \$5,000.00) The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem
Snell, Councilmembers Himmelblau, Hofmann, Linn
Noes: None
Absent: Councilmember Lebermann

DISPOSITION OF PARCEL IN BLACKSHEAR PROJECT

Councilmember Linn moved that the Council adopt a resolution approving disposition of Parcel No. R-8-18 located in the Blackshear Project Area, Tex A-11-2. (To Mr. A. J. Cadd for \$1,000) The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem
Snell, Councilmembers Himmelblau, Hofmann, Linn
Noes: None
Absent: Councilmember Lebermann

ACQUISITION OF CERTAIN LAND

Councilmember Linn moved that the Council adopt a resolution authorizing the acquisition of certain land for the East Riverside Drive Project:

East Riverside Drive at Willow Creek Drive (William Kay Miller,
Trustee)

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Hofmann, Linn, Trevino
Noes: None
Absent: Councilmember Lebermann

ACQUISITION OF CERTAIN LAND FOR CHALMERS AVENUE

Mayor Pro Tem Snell moved that the Council adopt a resolution authorizing the acquisition of certain land for Chalmers Avenue which is part of the Blackshear Streets Project:

Chalmers Avenue from East 7th to East 11th Streets (Huston-
Tillotson College)

The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,
Linn, Trevino, Mayor Friedman
Noes: None
Absent: Councilmember Lebermann

Mayor Friedman announced that the Council would now recess and go into an Executive Session.

AFTERNOON SESSION
2:00 P.M.

Mayor Friedman called the afternoon session to order.

EXECUTIVE SESSION ACTION

Mayor Friedman announced that the Council had met in Executive Session earlier to discuss appointments to certain boards that were now before the Council for consideration.

Tax Board of Equalization

Councilmember Linn moved that the Council appoint the following to the Tax Board of Equalization:

Sandra Nichols

R. B. Smith

The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Linn, Trevino,
Mayor Friedman, Mayor Pro Tem Snell
Noes: None
Absent: Councilmember Lebermann

Citizens Board of Natural Resources and Environmental Quality

Councilmember Trevino moved that the Council appoint the following to the Citizens Board of Natural Resources and Environmental Quality:

Don Callaway

(to fill the unexpired term of Larry Springer)
(Reappointed to a full term beginning July 1, 1976)

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Hofmann, Linn, Trevino, Mayor Friedman,
Mayor Pro Tem Snell, Councilmember Himmelblau
Noes: None
Absent: Councilmember Lebermann

Mayor Friedman stated that next week the Council would consider several board appointments, particularly the Landmark Commission.

REQUEST TO PRESENT AUSTIN CHARRO ASSOCIATION QUEEN

Dr. Juan Velera-Lema, representing Austin Charro Association, appeared before the Council to present the first Austin Charro Association Queen (Miss Rose Mary Alaniz) to City Council. Dr. Velera stated that he was appearing on behalf of the Austin Charro Association and at this time he introduced the Queen, Miss Rose Mary Alaniz.

Mr. Velera then introduced State Representative Gonzalo Barrientos and some of the members of the organization that were present, Mr. Al Herrera, Mr. and Mrs. Ben Ledesma, Mr. Ben Jaso, Mr. Rudy Alaniz, father of the Queen, and Mr. Eli Baron.

Mr. Eli Baron, President of the Austin Charro Association, informed the Council that the association is incorporated under the laws of the State of Texas as benevolent, literary, social and educational non-profit organization. Mr. Baron then reviewed the aims and objectives of the association which are to develop more color and Mexican atmosphere for the City of Austin to have increased prosperity and tourism. Mr. Velera noted that on May 29, 1976, the Charro Association would conduct a Coronation Ball at the Villa Capri and extended an invitation to everyone present to attend the festivities.

PARADE PERMIT

Councilmember Trevino moved that the Council approve a request for a parade permit from W. H. McGregor, Department Adjutant, The American Legion Department of Texas on June 14, 1976, 5:45 p.m. to 7:30 p.m., beginning near 21st and San Jacinto, onto San Jacinto to 11th Street, 11th to 5th Street, to Congress (south), turn on Congress and proceed north to the Capitol. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro
Tem Snell, Councilmembers Himmelblau, Hofmann
Noes: None
Absent: Councilmember Lebermann

ANNEXATION ORDINANCES

Mayor Friedman introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 1,413.11 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Linn moved that the Council waive the requirement for three readings, declare an emergency, and finally pass the ordinance, providing for an effective date. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro
Tem Snell, Councilmember Himmelblau
Noes: None
Abstain: Councilmember Hofmann
Absent: Councilmember Lebermann

The Mayor announced that the ordinance had been finally passed.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 289.22 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Linn moved that the Council waive the requirement for three readings, declare an emergency, and finally pass the ordinance providing for an effective date. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro
Tem Snell, Councilmember Himmelblau
Noes: None
Abstain: Councilmember Hofmann
Absent: Councilmember Lebermann

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCE - First Reading Only

Mayor Friedman brought up the following ordinance for its first reading:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
A 6.06 ACRE TRACT OF LAND, LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF MARTIN LUTHER KING, JR., BOULEVARD AND ED BLUESTEIN BOULEVARD, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (East Industrial District, C14-75-126)
(Tracor)

The ordinance was read the first time, and Councilmember Himmelblau moved that the ordinance be passed to its second reading. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Councilmembers
Himmelblau, Hofmann
Noes: Mayor Pro Tem Snell
Abstain: Councilmember Linn
Absent: Councilmember Lebermann

The Mayor announced that the ordinance had passed through its first reading only.

REVISION TO VENDING ORDINANCE

City Attorney Jan Kubicek stated that this amendment would provide for payment on the basis of \$30.00 at the time of application and \$30.00 on or before December 1 of the license year.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 760513-F, ADDING A NEW PARAGRAPH TO PROVIDE FOR TIME PAYMENTS OF THE LICENSE FEE AND PROVIDING FOR REVOCATION FOR FAILURE TO PAY; PROVIDING A PENALTY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Linn moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, providing an effective date. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Hofmann, Linn, Trevino
Noes: None
Absent: Councilmember Lebermann

The Mayor announced that the ordinance had been finally passed.

PROPOSED 1976-79 BOND PROGRAM FOR WATER AND WASTEWATER DEPARTMENT

Mr. Curtis Johnson, Director of Water and Wastewater, noted that after the failure of the Water and Wastewater Bond Election on December 6, 1975, the Council instructed the City Manager and staff to present a new proposal for a possible new bond program for the Water and Wastewater Department. The final report was presented to the Council last Monday and pointed out that the program is similar in many ways to the proposal that was presented and considered by the voters in the December 6, 1975, election. Many of the projects are curtailed and some postponed with every effort being made to stretch the capability of the water and wastewater to the fullest extent. Mr. Johnson stated that he felt this program will provide those services although it is a very minimal program. The total of this program, including the appropriations for the next three-year period, will be 92.7 million dollars.

Mayor Friedman suggested that some work sessions and public hearings be planned to consider this program.

In response to Councilmember Hofmann's question, Mr. Johnson stated that over the three-year period it will require approximately 8 million dollars less in bond funds because of the capital increment fees and by additional money as a result of the Council's action to place tap and connection fees on a pay-as-you-go basis. As to the amount of money brought in as of this date since the increment fee was established, Mr. Johnson noted that he did not have this figure available at the present time but would be glad to get it.

Mayor Friedman suggested that a work session be held in the Council Chambers on June 4, 1976, at 3:00 p.m. He also suggested that copies of the report be presented to the Environmental Board, Planning Commission, Planning Department and the Environmental Resource Management office. Mayor Friedman encouraged the staff from these departments to attend the work session.

Mr. Johnson pointed out that there are funds in this proposal to finance the estimated expenditures for the Water and Wastewater Department for all of the public works type projects scheduled for the three-year period.

PUBLIC HEARING ON ANNEXATION

Mayor Friedman opened the public hearing scheduled for 2:30 p.m. to consider the annexation of and directing the administration to institute annexation proceedings to annex 685.17 acres of land. (Initiated by the City of Austin - No. C7a-76-007)

Mr. Tom Knickerbocker, Assistant Director of Planning, reviewed the proposed annexation and stated that this is the third in the series of annexation recommendations and includes three distinct areas. This area known as Area 2 contains 265.62 acres of land already platted for development and 419.55 acres of land unplatted.

Departmental comments were submitted in the agenda packets and showed the following:

Area 2 - C7a-76-007

Water and Wastewater - Service is available to the developed and developing areas through existing mains. Additional services are available to the area as it develops.

Police - Two additional police officers and related equipment are required upon annexation with five additional officers and equipment required at 50% development and nine more at full development.

Parks and Recreation - Initial development of the Walnut Creek District Park north of this area is scheduled for 1977-1978 and will include access road and parking, playground development, picnic units and restrooms. A recreation center and golf course are planned for 1979-1980.

Emergency Medical Services - Area 2 is currently served through the agreement with Travis County. With annexation the billing rate would change from \$36 plus mileage to a flat rate of \$36.

Fire - Protection at this time is minimal; however, completion of the Fire Station at Aberdeen Drive and Rundberg Lane in January 1977 will provide fairly good coverage to the southern section of this area.

Building Inspection - This area is currently subject to mechanical codes and permits. No problem is anticipated in writing building permits and making building inspections.

Public Works - Sanitation Division can provide services to the existing development with existing routes. Additional routes will be added as the area develops.

Street and Bridge Division can provide services required to the developed area. Some streets will require seal-coating in the summer of 1977.

Library - The annexation of this area will have no appreciable effect on the existing library services in this area. Services can be provided with existing facilities; however, bookmobile routes and scheduling must be revised to serve this area.

Fiscal Impact - Due to the proximity to the existing City limits and the amount of existing City facilities and operations, the annexation of this area will have a positive fiscal impact.

Electric - Services are available.

Environmental - Annexation of this area will allow extension of services and codes and ordinances to insure development compatible with existing and proposed land uses.

Urban Transportation - The fiscal impact of extending transportation facilities is included in the fiscal impact statement.

Mr. Knickerbocker stated that the staff recommended proceeding with annexation of this area.

In response to Councilmember Linn's question concerning a certain area not being annexed, Mr. Knickerbocker commented that this is due to the lack of availability to provide additional capacity to the existing water and sewer system in the area. City Manager Davidson noted that some areas may have to be submitted later depending on the result of the Water and Wastewater Bond Election. Mr. Knickerbocker commented that services would be provided to the areas within three years.

MS. DIANE LOCKINGEN pointed out that there are some businesses in this area that should be taken in with this annexation and wondered why they are excluded. City Manager Davidson stated that sewer service has to be provided and at the present time this is not possible. Mayor Friedman commented that the area is being annexed to aid in proper planning and other areas will be annexed when services can be provided. City Manager Davidson felt that this annexation would help regulate zoning and require building permits which will protect the property and the City.

DAN LITTLEFIELD, 906 Neans, commented that he currently is paying for street lights and signed a contract for three years and wanted to know if he was obligated to that contract. City Manager Davidson noted that it would be the responsibility of the City to provide this service upon annexation. Mr. Littlefield was also concerned with businesses adjacent to residential property being required to erect some type of a fence barrier. City Manager Davidson indicated that this was only if a fence was required as a part of the zoning. Future businesses in the area would be subject to this requirement as required by the Planning Commission or the Council.

Mayor Friedman noted that if the annexation is approved today, it will be in effect in approximately four to six weeks and the taxation will begin January 1, 1977, and be due in January of 1978.

JACK TAYLOR asked if he would be required to connect with the wastewater system since he is currently using a septic tank. City Manager Davidson commented that if the system he is using is currently operating properly and not creating a health problem, he would not be forced to connect with the system.

In response to Mr. Taylor's question concerning the keeping of animals, Mr. Homer Reed, Deputy City Manager, stated that the use of the land could continue as a non-conforming use after the area has been annexed. Certain health regulations would have to be complied with such as that of a stable not being closer than 50 feet to any adjacent residential building.

As regards the streets and lighting, Mr. Reed indicated that the City will pave the streets if the residents desire this to be done and then the City would assess the residents the majority of the cost. City Manager Davidson pointed out that the City will not repave streets except when the streets are in bad shape or requested by the property owners. The City will be responsible for hole patching or resurfacing of the streets if this is needed.

W. C. CALHOUN, 5214 Rogers Lane, addressed his concern that the County accepted the road right to his property then jumped to the other side and built the road around his property because it was too steep. City Manager Davidson suggested that Mr. Reuben Rountree, Director of Public Works, check this matter.

JUAN G. RIOS asked how long he would have to wait for City services, and Mayor Friedman stated that taxes will not be due until approximately January, 1978. If the annexation is passed, services will be delivered at varying times an continuing up to three years. The school districts will not be changed.

RAYMOND DONLEY addressed his concerns to the time that the land use would change, since he was building a mobile home park, and Mayor Friedman noted that in approximately three weeks this annexation would be before the Council for final approval. Then in about 10 days of that final approval it would be effective. Whatever is in use now and for the next few weeks will be permitted under the grandfather clause.

Motion

Councilmember Linn moved that the Council close the public hearing and authorize the administration to institute annexation proceedings to annex the following land:

685.17 acres of land out of the John Applegait Survey and the J. C. Brooks Survey in Travis County, Texas, and Gracywoods, Section 1, Parson's Subdivision, Sections 1, 2, and 3, Neans Place, Section 1, Neans Place, Section 2, A. L. Wells Addition, A. S. Neans Subdivision, Bertie Lawrence Subdivision, E. S. Barrow Subdivision, Section 1, Freeman Subdivision, Mockingbird Hill, Section 2, Northmede, Section 1, White Plains, Sections 1, 2, 3, 5 and Sections 4, Phase 1 and Phase 2, Northcape Section, C-2, Parson's Place, Troutmans Addition and unplatted land - Portion of Area 2. (Initiated by the City of Austin - No. C7a-76-007)

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,
Linn, Trevino, Mayor Friedman

Noes: None

Absent: Councilmember Lebermann

Mayor Friedman opened the public hearing to consider the annexation of and directing the administration to institute annexation proceedings to annex 359.46 acres of land. (Initiated by the City of Austin - No. C7a-76-008)

Mr. Knickerbocker stated that this is Area 3 of the study, and it contains 59 acres of land already platted and 300 acres of land unplatted. All of the departments indicated that services are available and can be provided and recommended that annexation proceedings begin.

CYRIL SAXTON enumerated the things he felt that would have to be given up if his property was annexed. He commented that he was satisfied with his present services and did not want to be annexed.

MRS. C. B. DUNNAGAN, 9511 Cameron Road, asked if the City was planning on widening the road in front of her home, and Mr. Reuben Rountree commented that Cameron Road was being widened slightly to the north of Ed Bluestein Boulevard, but there are no immediate plans to widen as far north as Rundberg Lane. Mrs. Dunnagan could not see the justification for being annexed.

ROGER JOSEPH, speaking on behalf of Edward Joseph and owner of some property in the area of Clear Creek, was concerned with the development of Cameron Road. Mr. Rountree noted no plans to work on Cameron Road at this time. Mr. Joseph stated that he was opposed to this annexation and felt the police protection was very bad. One of his houses located on 1401 East Anderson Lane had suffered several burglaries and it had taken the police approximately 45 minutes to respond to the burglary.

CHESTER SHUTZ, appeared in opposition to the proposed annexation and stated that his mother, Mrs. J. W. Scott, was opposed also.

CHARLIE DOYLE, 9709 Brown Lane, asked if his property would be included in this annexation. Mr. Knickerbocker noted that his property was not included.

OTTO LANCE, 1702 Dunnagan Lane, noted that he presently has a business and was concerned what the zoning would be if the area is annexed. Mr. Knickerbocker stated that upon annexation all of the property becomes zoned Interim "A" until changed by the Council. The business would not be effected by the zoning unless Mr. Lance wanted to expand or change his business. Mr. Lance felt that most of the property being annexed was vacant property and was opposed to this annexation.

Motion

Councilmember Linn moved that the Council close the public hearing and authorize the administration to institute annexation proceedings to annex the following land:

359.46 acres of land out of the John Applegait Survey and the Willis Avery Survey in Travis County, Texas, and Brown Lane Subdivision, Resubdivision of Lot 1, Brown Lane Subdivision, Broz Addition, Burk Hall Subdivision, Cameron Acres, Clear Creek Estates, Section 1, Dungan Acres, Cecil Loftin Subdivision, Menefee Subdivision, Parker Acres, Turbex Addition and unplatted land - Portion of Area 3. (Initiated by the City of Austin - No. C7a-76-008)

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Linn, Trevino,
Mayor Friedman, Mayor Pro Tem Snell

Noes: None

Absent: Councilmember Lebermann

Mayor Friedman opened the public hearing scheduled for 2:30 p.m. to consider the annexation of and directing the administration to institute annexation proceedings to annex 1,542.74 acres of land. (Initiated by the City of Austin - No. C7a-76-009)

Mr. Knickerbocker stated that this area included 24.62 acres of platted land and 1,518.12 acres of unplatted land. The area is in a watershed that the City is capable of serving and all the City services can be provided upon annexation. Annexation is recommended.

CHARLES DRAKE, 7203 Decker Lane, appeared in opposition to this annexation and felt there was no justification for this annexation. Mr. Drake noted the expense to connect to the sewer line when and if this was necessary and asked that the area be studied more thoroughly.

MARGIE CALHOUN was concerned with getting City water since the hill was so steep at her home and had the same problem as Mr. Calhoun. City Manager Davidson commented that this would be checked and asked Mr. Curtis Johnson to talk with Mrs. Calhoun. Mrs. Calhoun also noted that she had been receiving school taxes from Austin and from Manor. Mayor Friedman stated that this will be checked to get this cleared.

H. M. HITCHCOCK, 5400 Rogers Lane, was concerned that certain areas were not being annexed. Mr. Homer Reed reiterated that this was because of the lack of sewer capability. Mr. Johnson pointed out that the Travis State School is served with City sewer; however, they do have an extensive private system within their bounds. Mr. Hitchcock was concerned with an area that contained approximately 25 homes that was left out that does need police protection. City Manager Davidson noted that when and if the City can provide sewer service the area will be recommended for annexation. Mayor Friedman felt it should be looked at now to make sure something has not been overlooked.

ARLE HITCHCOCK was concerned with the evaluation of City land versus farm land as far as taxes are concerned.

Mr. Jack Klitgaard, Tax Assessor-Collector, commented that since no appraisals had been made on the property, he could not tell Mr. Hitchcock what values could be placed on this property. The value of the land as far as comparison of farm land to City land will be predicated on what the market reveals as being the selling price. Regardless of the use it is put to, the City is required to place all property on the tax roll at 75% of its market value. People in agricultural pursuits can have their properties valued on the basis of agricultural production as opposed to its market value. To do this, one would have to contact the City Tax Department and they can tell you if you would qualify for this.

Mayor Friedman suggested that Mr. Hitchcock meet with Mr. Klitgaard to discuss this matter.

Mr. Charles Drake appeared again and felt that there was a conflict on taking some land and excluding other land. City Engineer Davidson stated that services will be provided whenever they are needed as in the case of septic tank use.

Motion

Councilmember Himmelblau moved that the Council close the public hearing and authorize the administration to institute annexation proceedings to annex the following land:

1,542.74 acres of land out of the James Burleson League and the J. C. Tannehill League, Murchison Subdivision, Murchison Valley Estates, Murchison Industrial Valley, Navarro Subdivision, Rogers Lane Addition, Austin Independent School District tract of land, and unplatted land - portion of Area 4. (Initiated by City of Austin - No. C7a-76-009)

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Hofmann, Linn, Trevino, Mayor Friedman,
Mayor Pro Tem Snell, Councilmember Himmelblau
Noes: None
Absent: Councilmember Lebermann

ZONING HEARING - REFERRED BACK TO PLANNING COMMISSION

Mayor Friedman announced that the Council would hear the zoning case scheduled for 2:30 p.m. for public hearing at this time. Pursuant to published notice thereof, the following zoning case was publicly heard:

C. H. BEARDSLEY
By Stan Miller
C14-76-027

1607-1611 West Avenue
721 West 17th Street

From "A" Residence
1st Height and Area
To "B" Residence
2nd Height and Area
NOT Recommended by the
Planning Commission

Mayor Friedman noted that this zoning case was recommended for denial by the Planning Commission and to overturn this recommendation, the applicant would need six votes. Since Councilmember Lebermann is absent, the Council can hear the case or it can be postponed if the applicant so desires.

Mr. Stan Miller, representing Mr. C. H. Beardsley, stated that when this came up on May 6, 1976, a postponement was requested due to changes and discussions with neighbors in the area. When this case was presented to the Planning Commission, the density proposed was 24 units on the property and this was their main concern about the project. Mr. Miller commented that since that time, he is now asking for the same zoning with a restrictive covenant limiting the units to 18 and thereby lowering the density. He felt that the neighborhood concerns have been corrected, and would like the case referred back to the Planning Commission so they can consider it with the new changes.

Motion

Councilmember Himmelblau moved that the Council refer this zoning case back to the Planning Commission. The motion was seconded by Councilmember Linn.

MR. ROBERT PETIS, 1610 West Avenue, felt that with the surrounding structures this type of project would not be good for the neighborhood. This type of structure also would not be in keeping with the neighborhood structures that are present.

Councilmember Linn then asked what the change in plans for the apartment units would mean as far as traffic was concerned, and Mr. Tom Knickerbocker, Assistant Director of Planning, indicated that he did not know since he had not seen the change yet.

Withdrawal of Second

Councilmember Linn withdrew her second to the motion.

Councilmember Himmelblau pointed out that the Council had bent over backwards to give Mr. Petis "O" Office zoning on his property and to recognize the fact that it might be a historical structure, because at the time it was before the Planning Commission it was doubtful if it was. It was a structure that was being used as a rooming house. She felt that the same courtesy should be afforded this applicant and to refer it back to the Planning Commission.

Second to Motion

Councilmember Trevino seconded the motion but stated that this was no indication that the Council would finally approve the zoning change; however, in the sense of fair play it will give the applicant and the public an opportunity to state their concerns.

Roll Call on the Motion

Roll Call on Councilmember Himmelblau's motion, Councilmember Trevino's second, showed the following vote:

Ayes: Councilmember Trevino, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Hofmann
Noes: Councilmember Linn
Abstain: Mayor Friedman*
Absent: Councilmember Lebermann

*Mayor Friedman stated that his abstention was due to some past legal work that had been done with some of the owners associated with Mr. Petis, and the legal work was performed by his law firm. He pointed out that he would probably abstain from any further consideration of this case.

AMBULANCE FRANCHISE HEARING

Mayor Friedman opened the public hearing scheduled for 4:00 p.m. to consider the application of Hill Country Ambulance Service for an ambulance transfer franchise.

Acting City Attorney Kubicek reviewed certain pertinent sections of Chapter 34 - Article V of the City Code relating to ambulances. He pointed out that the establishing of the evidentiary requirement was placed upon the applicant.

MR. DAN STOKES, representing the applicant, introduced Mr. Al Figer and Mr. Bill Lane, owners of Hill Country Ambulance Service, and reviewed their qualifications. He stated that it should be made clear that the application was for a transfer service franchise and not for emergency service. He cited the following statistics which had been provided by Mr. Bill Lever, Director of the City's Emergency Medical Services:

<u>Date</u>	<u>Transfer Calls</u>	<u>Transfers Handled by EMS</u>	<u>Not Handled by EMS</u>
January, 1976	223	188	35
February, 1976	222	155	67
March, 1976	265	179	86
April, 1976	231	149	82

He felt that the statistics showed that one ambulance could not handle all of the transfers. He then cited a statement by Mr. Lever made on March 3, 1976, that by early summer EMS would require another vehicle on the streets for handling transfers. He also referred to 13 letters from administrators of area nursing and rest homes who felt that another ~~transfers~~ service was needed in the City.

Mr. Stokes referred to photographs of the applicant's equipment and stated that the standards of the existing EMS would not be lowered by granting the franchise. The applicant would have two ambulances available for transfers and they would exceed existing specifications. The ambulances would operate 24 hours a day, seven days a week. The EMS transfer service operated 8:30 a.m. to 5:30 p.m., five days a week.

In response to Mayor Friedman's question, Mr. Stokes stated that he did not have specific names and times where 3 to 5 hour delays had occurred through EMS transfers. In response to Mayor Friedman's question, Mr. Stokes stated that he felt that the customer should call the best service available for handling transfers.

In response to Acting City Attorney Kubicek's question regarding a permanent address within the City, Mr. Stokes stated that a temporary address had been obtained at 1200 East 1st Street. Mr. Al Figer stated that he had an option to lease the property subject to the granting of a franchise. In response to Councilmember Linn's question, Mr. Figer stated that Hill Country Ambulance Service had no equipment within the City limits. In response to Councilmember Himmelblau's question, Mr. Stokes agreed that most transfers within the City occurred during the week.

Mr. Bill Lever stated that EMS had seven vehicles on the street 24 hours a day, seven days a week, with two vehicles in reserve. One of the reserve vehicles would be moved into the County for the summer to handle calls in the lakes area.

In response to Councilmember Himmelblau's question, Mr. Lever stated that the system of scheduling transfers 24 hours in advance was getting better through the cooperation of the nursing homes. He knew of no four or five-hour waiting periods and had received no letters of complaints from nursing homes, medical facilities or doctors' offices.

In response to Councilmember Himmelblau's question regarding the difference between the number of transfer calls and the number of transfers, Mr. Lever stated that the monthly report reflected the total number of transfers for every unit. In response to Mayor Friedman's question, Mr. Lever stated that EMS could handle the total number of transfers required by the citizens of Austin. Mr. Lever stated that regarding EMS equipment, transfer vehicles were equipped to handle an emergency even if it began as a routine transfer call.

Mr. Lever pointed out that a number of the letters submitted by the applicant came from facilities outside the City limits. EMS did not provide transfer service outside the City limits.

In response to Mayor Friedman's question, Mr. Lever stated that he knew of no three to five hour delay in transfers within the City. He had received only one complaint regarding the transfer service and it occurred when the system was just starting.

In response to Mayor Pro Tem Snell's question regarding a letter from Arnold's Nursing Home in East Austin, Mr. Lever stated that he knew of no transfer delays of four to five hours. All dispatch records on transfer calls were available in the EMS office for review.

In response to Mayor Friedman's question regarding the equipment on the applicant's vehicles, Mr. Stokes stated that Mr. Figer had reviewed the list of equipment carried by EMS. There were two items not carried by the applicant's ambulances, but they would carry them on all ambulances if the franchise were granted.

Mr. Joe Ternus, Director of Urban Transportation, pointed out that the transfer service portion of an ambulance operation was the most profitable one. The City had purchased the existing transfer service franchise within the City because it was felt that one unified system could provide a higher level of service more economically.

Mr. Ternus also stated that the ordinance specified that a permanent City address exist from which the service would be provided. There was no way to know what the distance would be from a permanent address. Information submitted by Mr. Stokes did not establish that the present service was not being provided within a reasonable and prudent time period.

In response to Mayor Friedman's question regarding whether the ordinance specified that a permanent City address was required upon application or at the time service began, Acting City Attorney Kubicek stated that the requirement was not set forth in the application procedures but was set forth under Chapter 34-93 (c) of the City Code covering public convenience and necessity. Mr. Kubicek made the following points:

1. It was not clear that the 1200 East 1st Street address would be the applicant's permanent address.
2. There was no evidence of the need for additional service within the area around the 1200 East 1st Street location.

In response to Mayor Friedman's question regarding the proposed location, Mr. Stokes stated that the 1200 East 1st Street site might be used up to six months, but a more permanent location would be sought. In response to Mayor Friedman's question, Mr. Stokes stated that the applicant probably would be operating from a dispatcher, rather than from a permanent location. He felt that a permanent location was more important for an emergency service. Mr. Kubicek pointed out that the existing ordinance covered both emergency and transfer services. He did not agree with Mr. Stokes's contention.

Mr. Ternus stated that the current EMS department had demonstrated an ability to handle transfer calls with no negative impact on emergency medical services. He saw no way that the proposed service would be of benefit when the present EMS operation could and had provided the service.

Mr. Kubicek summarized as follows:

1. The address requirement had not been comported with by any evidentiary standard.
2. Based on the proposed address of 1200 East 1st Street, it had not been shown that there would be any additional benefit from a service base at that location.
3. There was virtually no evidence that the existing service would be affected adversely or have its standards lowered.
4. There was virtually little showing on the need of the general public for additional transfer service.
5. The EMS Department had rebutted the applicant's argument regarding standby services.
6. In the definition section set forth in Section 34-90 of the City Code regarding transfer service, there was no requirement that the service be of an emergency nature. A delay of three to five hours did not go to the issue of denial of reasonable transfer service.

7. He did not see that the requirement under Section 34-93 (d) 2) was satisfied, due to the tentativeness of the location at 1200 East 1st Street.

It was the applicant's duty to show by clear and convincing evidence that there was a need for the proposed service. Based on the evidence submitted, Mr. Kubicek could not recommend to the Council that the application be approved.

Mr. Stokes summarized as follows:

1. The applicant had done everything possible to satisfy the address requirement. If the franchise were granted, the applicant would work with the City to find a location which would be more reasonable.
2. It was possible that a three to five hour delay in a transfer could become an emergency.
3. At least 13 area nursing homes had found the delays inconvenient in the past and felt that another service was needed.
4. The applicant would be charging the same rates as the City.

Mr. Kubicek pointed out that in any motion the Council should not consider the monopoly issue.

Motion

Councilmember Trevino moved that the Council deny the ambulance transfer franchise application within the City of Austin of Hill Country Ambulance Service since evidence presented did not show that there was a public necessity for the increased service. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann
Noes: None
Absent: Councilmember Lebermann.

ADJOURNMENT

The Council adjourned at 4:50 p.m.

APPROVED

Mayor

ATTEST:

Grace Monroe
City Clerk